IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 14921 of 2006(B)

PETITIONER:

DR. K.C.AJITHKUMAR,
KAVERI, T.C.39/1850(1), KAVERI GARDENS,
CHALAI P.O., TRIVANDRUM-695 036.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
TRIVANDRUM.

3. DR. GIRIJA K.L.,
LECTURER IN ORAL MEDICINE AND RADIOLOGY,
GOVERNMENT DENTAL COLLEGE, KOTTAYAM.

BY ADV. SRI.DEEPU THANKAN
GOVERNMENT PLEADER SRI.D.ANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF ORDER NO.G4-10083/2004/DME DTD. 4-6-04 ISSUED BY THE SECOND RESPONDENT.**
EXT.P2	**TRUE COPY OF G.O.(RT)NO.49/2005/H&FWD DTD. 5-1-05 ISSUED BY THE GOVERNMENT.**
EXT.P3	**TRUE COPY OF THE JOINING REPORT OF THE PETITIONER SUBMITTED BEFORE THE PRINCIPAL, GOVT. DENTAL COLLEGE, KOTTAYAM**
EXT.P4	**TRUE COPY OF ORDER NO.G4/10083/04/DME DTD. 19-12-05 ISSUED BY THE SECOND RESPONDENT.**
EXT.P5	**TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 14921 OF 2006

Dated this the 27th day of November,2006.

JUDGMENT

Case of the petitioner is as follows:

Petitioner was appointed as Lecturer in Oral Medicine and Radiology at Dental College, Kottayam vide Ext.P1. Pursuant to Ext.P2, he joined duty on 17-12-05. His services were terminated by Ext.P4 order on the ground that there is no vacancy. Petitioner challenges Ext.P4 order and seeks a direction to allow him to continue in Dental College, Kottayam in preference to the third respondent, who is appointed subsequently and seeks other reliefs also.

2. Counter affidavit is filed by respondent No.2, wherein it is inter-alia stated as follows:

> Since a vacancy of Lecturer in Oral medicine & Radiology has not arisen the 2nd respondent has not taken any action for reposting the petitioner. As and when vacancies arises he can avail the posting. The report called for by the Government was submitted by the IInd respondent, suggesting alternate arragement for giving posting to the petitioner at an early date. If the said suggestion is accepted by Government, the petitioner can be given posting soon and thereby his grievance can be redressed."

3. In such circumstances, recording the above statement in the counter affidavit, this writ petition is disposed of directing the first and

second respondents to take follow up action in accordance with law without any further delay. I make it clear that, in doing so, the appointment of the third respondent shall not be disturbed.

Writ petition is disposed of as above.

K.M.JOSEPH.
JUDGE.

sv.